

REMARKS

The Claims Are Patentable Over the Cited References

In the last Office Action the Examiner acknowledged that neither Koorapaty et al., U.S. Patent No. 6,631,124 (“Koorapaty”) nor Jalali et al., U.S. Patent No. 6,952,454 (“Jalali”) disclosed a separate control channel, the duration of which is dependent upon the number of transmitted sub-slots as in the claims of the present invention. To make up for this deficiency the Examiner appears to rely on Tiedemann, Jr., U.S. Publication No. 2003-0039204 (“Tiedemann”). Applicants respectfully disagree for at least the following reasons.

In relying upon Tiedemann the Examiner states that “Tiedemann discloses [a] control channel can be used to convey any information that will help in the better utilization of the traffic channel.” Applicants respectfully submit that this does not satisfy the Examiner’s duty to present a *prima facie* of obviousness based on the combination of Koorapaty, Jalali and Tiedemann.

It is respectfully submitted that the disclosure of a control channel that can convey any information that will help better utilize a traffic channel does not suggest to one skilled in the art the use of a separate control channel, the duration of which is dependent upon the number of transmitted sub-slots, as in the claims of the present invention.

Accordingly, Applicants respectfully request withdrawal of the rejections and allowance of claims 1-6, 8, 11-14 and 17-19.

In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 266-3330 to schedule a personal interview.

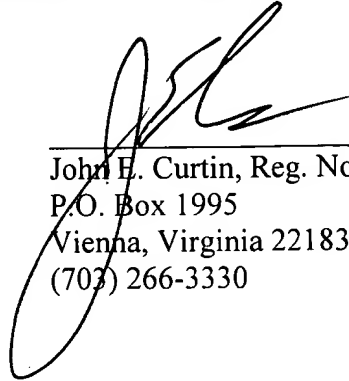
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any

additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.

By

A handwritten signature in black ink, appearing to read "John E. Curtin", is written over a horizontal line. The signature is stylized with a large loop at the end.

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